

IC 31-34-3

Chapter 3. Child Taken Into Custody

IC 31-34-3-1

Procedures for notice to custodial parent, guardian, or custodian

Sec. 1. If a child is taken into custody under IC 31-34-2, the department of child services shall notify the child's custodial parent, guardian, or custodian not more than two (2) hours after the child has been taken into custody that the child has been taken into custody as the result of alleged child abuse or neglect.

As added by P.L.1-1997, SEC.17. Amended by P.L.234-2005, SEC.172.

IC 31-34-3-2

Procedures for notice; custodial parent, guardian, or custodian who cannot be located

Sec. 2. Subject to section 3 of this chapter, if after making a reasonable effort the child's custodial parent, guardian, or custodian cannot be located, the department of child services shall make a good faith effort, not more than six (6) hours after the child has been taken into custody, to leave written notice at the last known address of the child's custodial parent, guardian, or custodian that the child has been taken into custody.

As added by P.L.1-1997, SEC.17. Amended by P.L.234-2005, SEC.173.

IC 31-34-3-3

Procedures for notice; custodial parent, guardian, or custodian believed to reside outside Indiana

Sec. 3. If the custodial parent, guardian, or custodian is believed to reside outside Indiana, the department of child services shall send written notice by certified mail to the last known address of the noncustodial parent, guardian, or custodian on the same date that the child is taken into custody. However, if the child is not taken into custody on a business day, the department of child services shall send notice by certified mail on the next business day after the child is taken into custody.

As added by P.L.1-1997, SEC.17. Amended by P.L.234-2005, SEC.174.

IC 31-34-3-4

Notice of contact person for more information; notice to each parent

Sec. 4. The notice required by this chapter must:

- (1) identify a person or an entity that the parent, guardian, or custodian may contact to obtain more information regarding the child's removal from the child's residence; and
- (2) be given to each of the child's parents as described in sections 1 through 3 of this chapter.

As added by P.L.1-1997, SEC.17.

IC 31-34-3-4.5

Procedures for notices to adult relatives and siblings

Sec. 4.5. (a) If a child is removed from the child's parents under this chapter, within thirty (30) days after the removal of the child from the parents the department shall exercise due diligence to identify and provide notice of the removal to:

- (1) all adult relatives (as defined in IC 31-9-2-107) of the child, including relatives suggested by either parent as required under 42 U.S.C. 671(a)(29); and
- (2) all the child's siblings who are at least eighteen (18) years of age.

(b) The department may not provide notice to a person under subsection (a) if the department knows or suspects that the person has caused family or domestic violence.

(c) A notice under subsection (a) must:

- (1) state that the child has been removed from the parents by the department;
- (2) set forth the options the relative may have under federal, state, or local laws, including the care and placement of the child and other options that may be lost if the relative fails to respond to the notice;
- (3) describe the requirements for the relative to become a foster parent; and
- (4) describe additional services available to the child placed in foster care.

As added by P.L.131-2009, SEC.59.

IC 31-34-3-5

Immediate needs of child as first priority of department of child services

Sec. 5. The department of child services must have as the department's first priority the immediate needs of the child for medical care, shelter, food, or other crisis services.

As added by P.L.1-1997, SEC.17. Amended by P.L.234-2005, SEC.175.